

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MATTHEW WITNAUER

DECISION AND ORDER
09-CR-224S

Defendant.

1. On June 24, 2009, the Defendant entered into a written plea agreement (Docket No. 5) and pled guilty to a One Count Felony Information (Docket No. 1) charging a violation of Title 18, U.S.C. §1959(a)(3) and Title 18, U.S.C. § 2 (Committing a Violent Crime in Aid of Racketeering).

2. On June 24, 2009, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 8) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge McCarthy's June 24, 2009, Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge McCarthy's Report and Recommendation, and will accept Judge McCarthy's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge McCarthy's June 24, 2009, Report and Recommendation (Docket No. 8) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Matthew Witnauer is accepted, and he is now adjudged guilty of Title 18, U.S.C. §1959(a)(3) and Title 18, U.S.C. § 2.

SO ORDERED.

Dated: September 18, 2009
Buffalo, New York

/s/ William M. Skretny
WILLIAM M. SKRETNY
United States District Judge